

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUDE LINAREZ,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

No. C13-5604 RBL/KLS

REPORT AND RECOMMENDATION
Noted For: September 20, 2013

On June 23, 2013, Petitioner Jude Linarez filed a motion for leave to proceed *in forma pauperis*. ECF No. 1. On August 22, 2013, Petitioner paid the \$5.00 filing fee (Receipt No. T-11051). Because Mr. Linarez has paid the filing fee, the Court should deny the IFP application.

DISCUSSION

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Mr. Linarez paid the \$5.00 filing fee on August 22, 2013. Therefore, his IFP application is moot.

CONCLUSION

Because Mr. Linarez has paid the filing fee, the undersigned recommends that the Court deny his application to proceed *in forma pauperis* (ECF No. 4).

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have fourteen (14) days from service of this Report and Recommendation to file written objections thereto. See

1 also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
2 purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit
3 imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **September 20,**
4 **2013**, as noted in the caption.

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6 **DATED** this 27th day of August, 2013.

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9 Karen L. Strombom
10 United States Magistrate Judge
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